

# **EXHIBIT A**

## **FIRST AMENDED COMPLAINT**

# **EXHIBIT A**

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14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 COLIN MARSHALL, an individual;  
17 CAROLINE VENTOLA, an individual;  
18 CHRIS CHENG, an individual; DANIEL  
19 DYKES, an individual; and WINSTON  
20 CHENG, and individual, on behalf of  
21 themselves and all others similarly situated;

22 Plaintiffs,

23 v.

24 CHRISTOPHER GREGORY ROGERS, an  
25 individual; ROGERS HOLDINGS, II, LLC, a  
26 Nevada limited liability company; BARBARA  
27 L. ROGERS, an individual and  
28 Trustee/Beneficiary of The Rogers Family  
Trust; and DANNIE EARL ROGERS, an  
individual and Trustee/Beneficiary of The  
Rogers Family Trust; THE ROGERS  
FAMILY TRUST, an unknown entity;  
AIRBNB, INC., a Delaware corporation;  
DOES 1-50, unknown individuals; and ROE  
COMPANIES 1-50, unknown business  
entities,

Defendants.

Case No. A-16-747797-C  
Dept. No. XXVIII

**FIRST AMENDED COMPLAINT  
(CLASS ACTION)**

**(Exempt from Arbitration Pursuant to  
NAR 5)**

**JURY TRIAL DEMANDED**

For their First Amended Complaint, Plaintiffs Colin Marshall, Caroline Ventola, Chris Cheng, Daniel Dykes and Winston Cheng (together, "Plaintiffs") complain against Defendants

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1 Christopher Gregory Rogers ("Rogers"), Rogers Holdings II, LLC ("Rogers Holdings"), Barbara  
2 L. Rogers ("B. Rogers"), Dannie Earl Rogers ("D. Rogers"), the Rogers Family Trust (the  
3 "Trust") and Airbnb, Inc. ("Airbnb") (collectively, "Defendants"), as follows:

4 **PARTIES**

5 1. The Plaintiffs, as class representatives, meet all requirements of Nev. R Civ. P. 23.  
6 The claims asserted by Plaintiffs on behalf of those similarly situated meet all requirements of  
7 Nev. R. Civ. P. 23. The class claims set forth herein, are brought exclusively against Airbnb in  
8 this case.

9 2. Upon information and belief, Rogers is a resident of Clark County, Nevada and a  
10 Manager of Rogers Holdings.

11 3. Rogers Holdings purports to be a dissolved Nevada limited liability company.

12 4. B. Rogers is a Manager of Rogers Holdings and, upon information and belief, is a  
13 Trustee and Beneficiary of the Trust. Upon information and belief, B. Rogers is also Rogers'  
14 mother.

15 5. D. Rogers is a Manager of Rogers Holdings and, upon information and belief, is a  
16 Trustee and Beneficiary of the Trust. Upon information and belief, D Rogers is also Rogers'  
17 father.

18 6. The Trust was formed for the benefit of Rogers, B. Rogers and D. Rogers and  
19 upon information and belief, is a revocable living trust.

20 7. Airbnb is a Delaware corporation conducting business in Clark County, Nevada.

21 8. Although conducting business in Nevada, Airbnb is not licensed to conduct  
22 business within the State of Nevada.

23 9. The true names and capacities of the Defendants named herein as DOES 1 through  
24 50, inclusive, are unknown to Plaintiffs at this time and Plaintiffs therefore sue said Defendants  
25 by such fictitious names. Plaintiffs are informed and believe, and therefore allege, that each of  
26 the Defendants designated herein as DOES are responsible in some manner for the events and  
27 happenings referred to and caused damages proximately to Plaintiffs as herein alleged, and  
28 Plaintiffs will ask leave of this Court to amend their First Amended Complaint to insert the true

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1 names and capacities of said DOES when the same become ascertained, and join said Defendants  
2 in this action.

3       10. The true names and capacities of the Defendants named herein as ROE  
4 COMPANIES 1 through 50, inclusive, are unknown to Plaintiffs at this time and Plaintiffs  
5 therefore sue said Defendants by such fictitious names. Plaintiffs are informed and believe, and  
6 therefore allege, that each of the Defendants designated herein as ROE COMPANIES are  
7 responsible in some manner for the events and happenings referred to and caused damages  
8 proximately to Plaintiffs as herein alleged, and Plaintiffs will ask leave of this Court to amend  
9 their First Amended Complaint to insert the true names and capacities of said ROE  
10 CORPORATIONS when the same become ascertained, and join said Defendants in this action.

11        11. Upon information and belief and at all relevant times, Rogers Holdings was the  
12 alter ego of Rogers, B. Rogers, D. Rogers and the Trust.

13           12. Upon information and belief and at all relevant times, the Trust was the alter ego  
14 of Rogers, B. Rogers, D. Rogers and Rogers Holdings.

13. The acts giving rise to the claims alleged herein occurred in the State of Nevada.

## **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17        14. On January 4, 2016, the Plaintiffs travelled to Las Vegas to attend the annual  
18 Consumer Electronics Show.

19       15. The Plaintiffs stayed at a home located at 7494 Forestdale, Court, Las Vegas,  
20 Nevada 89120, which is located in unincorporated Clark County, Nevada. Plaintiffs were to stay  
21 at the home through January 10, 2016, for a total of six (6) nights. The Defendants knowingly  
22 and intentionally leased the home where Plaintiffs stayed illegally and in violation of Clark  
23 County's short-term rental laws. The home was ostensibly leased by Rogers Holdings.

16. The home was rented through Airbnb's website by Plaintiff Winston Cheng.

25        17. When the home was leased, and during the January 2016 time frame, the home  
26 was owned by Rogers and/or Rogers Holdings.

18. Upon information and belief, Rogers is a convicted felon.

1           19. Recently, the Rogers and/or Rogers Holdings transferred ownership of the home at  
2 issue to B. Rogers, D. Rogers and the Trust in an apparent attempt to protect the home from  
3 potential creditors, including Plaintiffs.

4           20. The Plaintiffs, including Winston Cheng, who rented the home, were unaware that  
5 the home rental was in violation of Clark County, Nevada's short-term rental laws.

6           21. Airbnb, however, was aware that short-term rentals were illegal in both  
7 unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

8           22. Airbnb failed to inform the Plaintiffs, including Winston Cheng, the individual  
9 who rented the home, and/or the general public that short-term rentals were illegal in both  
10 unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

11          23. Airbnb negligently/knowingly misrepresented that that short-term rentals were  
12 legal in both unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

13          24. Airbnb, through its website, intentionally promotes, permits, facilitates and  
14 coordinates illegal short-term home rentals in unincorporated Clark County, Nevada and in the  
15 City of Henderson, Nevada. In doing so, the Defendant derives a profit from these illegal  
16 transactions.

17          25. Winston Cheng would not have registered with or through Airbnb's website/mobile  
18 phone application or rented a home through it had he known that it intentionally promotes,  
19 permits, facilitates and coordinates illegal home rentals.

20          26. To the extent the other Plaintiffs, Colin Marshall, Caroline Ventola, Chris Cheng,  
21 and Daniel Dykes, may have registered with or through Airbnb's website/mobile phone  
22 application or rented a home through it, they would not have done so had they known that it  
23 intentionally promotes, permits, facilitates and coordinates illegal home rentals.

24          27. Upon information and belief, Airbnb conducts little or no background investigation  
25 relating to the individuals and/or companies that offer their homes for rent in unincorporated  
26 Clark County, Nevada and in the City of Henderson, Nevada, to ensure the privacy, safety and  
27 security of the individuals that stay in them.

28

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1       28. Had Plaintiffs been made aware that Airbnb conducts little or no background  
2 investigation relating to the individuals and/or companies that offer their homes for rent they  
3 would not have registered with or through its website/mobile phone application or rented a home  
4 through it, to the extent they may have done so.

5       29. While the Plaintiffs were initially aware that surveillance cameras were located in  
6 the common areas of the home, they were reassured by Rogers and/or his authorized  
7 agent/employee that there were no cameras in the private areas of the home, including the  
8 bedrooms and bathrooms.

9       30. Later during their stay, the Plaintiffs noticed a smoke detector in a  
10 bedroom/bathroom that contained a small camera inside. The camera pointed directly at the  
11 bathroom/bedroom.

12       31. Prompted by this discovery, the Plaintiffs began looking in other bedrooms and  
13 bathrooms for other cameras.

14       32. The Plaintiffs found other surveillance cameras hidden in the private areas of the  
15 home also in smoke detectors.

16       33. The Plaintiffs took several photographs of the cameras located in the smoke  
17 detectors.

18       34. The Plaintiffs found other overnight accommodations after finding the hidden  
19 surveillance cameras.

20       35. After reporting the discovery of the surveillance cameras to law enforcement, it  
21 was determined that there were additional hidden surveillance cameras located in the private areas  
22 of the home.

23       36. It was also later determined that private images of the Plaintiffs were captured on a  
24 server located inside the home originating from the surveillance cameras in the private areas of  
25 the home.

26       37. While it is unclear whether the private images of the Plaintiffs were viewed by  
27 anyone other than law enforcement, Plaintiffs allege, upon information and belief, that the images

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1 were or would have been viewed and/or disseminated in some fashion by Rogers and/or his  
2 agents/employees.

3       38.     None of the Plaintiffs, nor any of the other occupants of the home, consented to the  
4 surreptitious recording.

5           39.     Airbnb failed to refund Winston Cheng the cost of the rental of the home and he  
6 was forced to pay for alternative accommodations for both himself and others.

7       40.    Additionally, Airbnb negligently permitted Rogers and/or Rogers Holdings to rent  
8 the home to Winston Cheng through its website even though Rogers had repeatedly violated  
9 Airbnb's Terms of Service and should have been banned from doing so well before the Plaintiffs'  
10 stay at the home.

**FIRST CAUSE OF ACTION**  
**(Invasion of Privacy as to Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust)**

13       41. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
14 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
15 herein.

42. Plaintiffs had an actual expectation of seclusion and solitude that was objectively reasonable.

18       43.   Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust intentionally  
19 intruded upon the seclusion of the Plaintiffs.

20        44. Such an intrusion would be highly offensive to a reasonable person.

21       45. As a result of Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
22 actions and/or inactions, Plaintiffs are entitled to damages in excess of \$15,000.

23       46. As a result of Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
24 actions and/or inactions, Plaintiffs have been forced to retain the undersigned counsel to prosecute  
25 this action and Plaintiffs are entitled to recover reasonable attorney's fees and costs.

26       47. Plaintiffs are informed and believe and thereon allege that Rogers, Rogers  
27 Holdings, B. Rogers, D. Rogers and the Trust's conduct was willful, wanton and malicious and

1 was done with the conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs are  
2 entitled to an award of punitive damages.

## **SECOND CAUSE OF ACTION**

**(Negligence Per Se as to Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust)**

5       48. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
6 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
7 herein.

8       49. Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
9 conduct, as described herein, violated NRS 200.604, NRS 116.340, and Clark County Code  
10 30.44.010 among other potential statutes, codes, rules and regulations.

50. Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
violation of Nevada law is the cause of Plaintiffs' alleged damages.

13 51. Plaintiffs belong to the class of persons that the statutes were meant to protect.

14       52. Plaintiffs' alleged damages are the type against which the statutes were meant to  
15 protect.

16       53. As a result of the Defendants Rogers and/or Rogers Holdings' actions, Plaintiffs  
17 are entitled to damages in excess of \$15,000.

18       54. As a result of Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the  
19 Trust's actions, Plaintiffs have been forced to retain the undersigned counsel to prosecute this  
20 action and Plaintiffs are entitled to recover reasonable attorney's fees and costs.

21       55. Plaintiffs are informed and believe and thereon allege that Defendants Rogers,  
22 Rogers Holdings, B. Rogers, D. Rogers and the Trust's conduct was willful, wonton and  
23 malicious and was done with the conscious disregard of Plaintiffs' rights. As a direct result,  
24 Plaintiffs are entitled to an award of punitive damages.

25 | //

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### **THIRD CAUSE OF ACTION**

**(Intentional Infliction of Emotional Distress as to Defendants Rogers,  
Rogers Holdings, B. Rogers, D. Rogers and the Trust)**

3       56. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
4 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
5 herein.

6       57. Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
7 conduct, as described herein, was extreme or outrageous with either the intention of, or reckless  
8 disregard for, causing emotional distress to Plaintiffs.

9           58. Plaintiffs suffered severe or emotional distress as the actual or proximate result of  
10 Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's conduct.

11       59.     As a result of the Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and  
12 the Trust's actions, Plaintiffs are entitled to damages in excess of \$15,000.

13       60. As a result of Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the  
14 Trust's actions, Plaintiffs have been forced to retain the undersigned counsel to prosecute this  
15 action and Plaintiffs are entitled to recover reasonable attorney's fees and costs.

16       61. Plaintiffs are informed and believe and thereon allege that Defendants Rogers,  
17 Rogers Holdings, B. Rogers, D. Rogers and the Trust's conduct was willful, wonton and  
18 malicious and was done with the conscious disregard of Plaintiffs' rights. As a direct result,  
19 Plaintiffs are entitled to an award of punitive damages.

## **FOURTH CAUSE OF ACTION**

(Negligent Infliction of Emotional Distress as to Defendants  
Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust)

22       62. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
23 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
24 herein.

25       63. Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's  
26 conduct, as described herein, was negligent, causing emotional distress to Plaintiffs.

64. Plaintiffs suffered severe or emotional distress as the actual or proximate result of Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's conduct.

65. As a result of the Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's actions and/or inactions, Plaintiffs are entitled to damages in excess of \$15,000.

66. As a result of Defendants Rogers, Rogers Holdings, B. Rogers, D. Rogers and the Trust's actions, Plaintiffs have been forced to retain the undersigned counsel to prosecute this action and Plaintiffs are entitled to recover reasonable attorney's fees and costs.

8       67. Plaintiffs are informed and believe and thereon allege that the Defendants Rogers,  
9 Rogers Holdings, B. Rogers, D. Rogers and the Trust's conduct was willful, wonton and  
10 malicious and was done with the conscious disregard of Plaintiffs' rights. As a direct result,  
11 Plaintiffs are entitled to an award of punitive damages.

**FIFTH CAUSE OF ACTION**  
**(Negligence Per Se as to Defendant Airbnb)**

14. 68. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
15 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
herein.

17       69.     Defendant Airbnb's conduct, as described herein, violated Clark County Code  
18           30.44.010 b 7 C and 11.14 and the City of Henderson's Development Code, Chapter 19, among  
19           other potential statutes, codes, rules and regulations.

20       70. Defendant Airbnb's violation of Nevada law is the cause of Plaintiffs' alleged  
21 damages and of all others similarly situated.

71. Plaintiffs and all others similarly situated belong to the class of persons that the  
statutes were meant to protect.

24       72. Plaintiffs' alleged damages are the type against which the statutes were meant to  
25 protect and of all others similarly situated.

26 73. As a result of the Defendant Airbnb's actions, Plaintiffs and all others similarly  
situated are entitled to damages in excess of \$15,000.

74. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly situated have been forced to retain the undersigned counsel to prosecute this action and are entitled to recover reasonable attorney's fees and costs.

75. Plaintiffs and all others similarly situated are informed and believe and thereon allege that the Defendant Airbnb's conduct was willful, wanton and malicious and was done with conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs and all others similarly situated are entitled to an award of punitive damages.

**SIXTH CAUSE OF ACTION**  
(Negligence as to Defendant Airbnb)

10       76. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
11 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
herein.

13       77. As set forth above, upon information and belief, the Defendant Airbnb, conducts  
14 little or no background screening/investigation relating to the individuals and/or companies that  
15 offer their homes for rent in unincorporated Clark County, Nevada and in the City of Henderson,  
16 Nevada. As such, the Defendant Airbnb fails to ensure the privacy, safety and security of the  
17 individuals that stay in them.

18       78.     With specific regard to Defendants Rogers and/or Rogers Holdings, the Defendant  
19     Airbnb failed to appropriately screen and investigate his/their suitability to offer rental homes  
20     through the Defendant Airbnb's website. Further, upon information and belief, Defendant Rogers  
21     is a convicted felon.

25       80.     Defendant Airbnb, owed a duty to Plaintiffs and all other similarly situated to  
26 appropriately screen and investigate the individuals/companies that offer their homes for rent on  
the Defendant Airbnb's website.

81. Defendant Airbnb has breached its duty to Plaintiffs and all others similarly situated.

82. Defendant Airbnb's conduct is the cause of Plaintiffs' alleged damages and all others similarly situated.

83. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly situated are entitled to damages in excess of \$15,000.

7       84. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly  
8 situated have been forced to retain the undersigned counsel to prosecute this action and are  
9 entitled to recover reasonable attorney's fees and costs.

10       85. Plaintiffs and all others similarly situated are informed and believe and thereon  
11 allege that the Defendant Airbnb's conduct was willful, wanton and malicious and was done with  
12 conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs and all others similarly  
13 situated are entitled to an award of punitive damages.

**SEVENTH CAUSE OF ACTION**  
(Negligent Misrepresentation as to Defendant Airbnb)

86. Plaintiffs repeat and reallege each and every fact and allegation contained in this First Amended Complaint and incorporate the same herein by reference as though fully set forth herein.

14           87. Defendant Airbnb negligently misrepresents through its website and other media  
19 that short-term rentals are legal in both unincorporated Clark County, Nevada and in the City of  
20 Henderson, Nevada.

22       88. Alternatively, Defendant Airbnb negligently omits on its website and in other  
23 media that short-term rentals are illegal in both unincorporated Clark County, Nevada and in the  
City of Henderson, Nevada.

89. Moreover, the fact that Defendant Airbnb permits short-term rentals in  
25 unincorporated Clark County, Nevada and in the City of Henderson, Nevada misleadingly implies  
26 that they are in fact legal, when they are not.

90. As a result of the Defendant Airbnb's actions, Plaintiffs and all others similarly situated are entitled to damages in excess of \$15,000.

91. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly situated have been forced to retain the undersigned counsel to prosecute this action and are entitled to recover reasonable attorney's fees and costs.

92. Plaintiffs and all others similarly situated are informed and believe and thereon allege that Defendant Airbnb's conduct was willful, wanton and malicious and was done with conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs and all others similarly situated are entitled to an award of punitive damages.

**EIGHTH CAUSE OF ACTION**  
**(Fraud/Fraud in the Inducement as to Defendant Airbnb)**

93. Plaintiffs repeat and reallege each and every fact and allegation contained in this First Amended Complaint and incorporate the same herein by reference as though fully set forth herein.

94. Defendant Airbnb intentionally misrepresents through its website and other media that short-term rentals are legal in both unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

95. Alternatively, Defendant Airbnb intentionally omits on its website and in other media that short-term rentals are illegal in both unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

96. Moreover, the fact that Defendant Airbnb permits short-term rentals in unincorporated Clark County, Nevada and in the City of Henderson, Nevada misleadingly implies that they are in fact legal, when they are not.

97. As a result of the Defendant Airbnb's actions, Plaintiffs and all others similarly situated are entitled to damages in excess of \$15,000.

98. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly situated have been forced to retain the undersigned counsel to prosecute this action and are entitled to recover reasonable attorney's fees and costs.

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99. Plaintiffs and all others similarly situated are informed and believe and thereon allege that Defendant Airbnb's conduct was willful, wanton and malicious and was done with conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs and all others similarly situated are entitled to an award of punitive damages.

**NINTH CAUSE OF ACTION**  
(Deceptive Trade Practices as to Defendant Airbnb)

100. Plaintiffs repeat and reallege each and every fact and allegation contained in this First Amended Complaint and incorporate the same herein by reference as though fully set forth herein.

10. On behalf of Plaintiffs and all others similarly situated, Defendant Airbnb engages  
11. in a deceptive trade practice pursuant to Nev. Rev. Stat. Ch. 598 by permitting, promoting and  
12. profiting from short-term home rentals through its website, notwithstanding the fact it knows or  
13. should know that such rentals are illegal in unincorporated Clark County, Nevada and in the City  
14. of Henderson, Nevada.

102. As a result of the Defendant Airbnb's actions, Plaintiffs and all others similarly  
situated are entitled to damages in excess of \$15,000.

17       103. As a result of Defendant Airbnb's actions, Plaintiffs and all others similarly  
18 situated have been forced to retain the undersigned counsel to prosecute this action and are  
19 entitled to recover reasonable attorney's fees and costs.

20       104. Plaintiffs and all others similarly situated are informed and believe and thereon  
21       allege that Defendant Airbnb's conduct was willful, wanton and malicious and was done with  
22       conscious disregard of Plaintiffs' rights. As a direct result, Plaintiffs and all others similarly  
23       situated are entitled to an award of punitive damages.

**TENTH CAUSE OF ACTION**  
**(Declaratory Relief as to Defendant Airbnb)**

23       105. Plaintiffs repeat and reallege each and every fact and allegation contained in this  
24 First Amended Complaint and incorporate the same herein by reference as though fully set forth  
25 herein.  
26

106. A justiciable controversy has arisen as to the appropriateness of the Defendant Airbnb permitting, promoting and profiting from short-term home rentals through its website, that are illegal in unincorporated Clark County, Nevada and in the City of Henderson, Nevada.

107. A judicial declaration of the parties' rights is necessary to avoid any further dispute relating to the issues set forth herein.

108. As a result of Defendant Airbnb's actions and/or inactions, the Plaintiffs and all others similarly situated have been forced to retain the undersigned counsel to prosecute this action and are entitled to recover reasonable attorney's fees and costs.

**ELEVENTH CAUSE OF ACTION**  
**(Injunctive Relief as to Defendant Airbnb)**

109. Plaintiffs repeat and reallege each and every fact and allegation contained in this First Amended Complaint and incorporate the same herein by reference as though fully set forth herein.

110. The Plaintiffs hereby request that the Court issue a permanent injunction, enjoining the Defendant Airbnb from permitting short-term rentals through its website in both unincorporated Clark County, Nevada and in the City of Henderson Nevada.

111. As a result of Defendant Airbnb's actions and/or inactions, the Plaintiffs and all others similarly situated have been forced to retain the undersigned counsel to prosecute this action and are entitled to recover reasonable attorney's fees and costs.

WHEREFORE, Plaintiffs and all others similarly situated pray for judgment as follows:

- A. For damages in an amount to be determined at trial, but in excess of \$15,000.00;
  - B. For exemplary or punitive damages;
  - C. Attorney's fees and costs of suit;
  - D. Prejudgment and post-judgment interest on the amounts owed;
  - E. For declaratory and injunctive relief as set forth above; and

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1 F. Any further relief this Court deems proper.

2 DATED this 6th day of December, 2017.

3 SEMENZA KIRCHER RICKARD

4 /s/ Lawrence J. Semenza, III

5 Lawrence J. Semenza, III, Bar No. 7174  
6 Christopher D. Kircher, Bar No. 11176  
7 Jarrod L. Rickard, Bar No. 10203  
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10 *Attorneys for Plaintiffs Colin Marshall,  
11 Caroline Ventola, Chris Cheng, Daniel Dykes and  
12 Winston Cheng*

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**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that I am an employee with Semenza Kircher Rickard, and that on the 6th day of December, 2017, I caused to be sent via Odyssey's online e-file and serve system, a true copy of the foregoing **FIRST AMENDED COMPLAINT** to the following registered e-mail addresses:

6 | KEATING LAW GROUP

7 Merina Bullock Hansen. – mhansen@keatinglg.com  
Susan E. Boschee - sboschee@keatinglg.com

*Attorneys for Defendants, Barbara L. Rogers, Dannie Earl Rogers  
and the Rogers Family Trust*

10 | ZIMMERMAN LAW FIRM

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13 Attorneys for Defendants, Rogers Holdings II, LLC T/A Casa Rogers, Private Estate  
14 and Christopher Gregory Rogers

*/s/ Jennifer A. Bidwell*

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## An Employee of Semenza Kircher Rickard

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